

REQUEST FOR BOARD ACTION
HENDERSON COUNTY
Zoning Board of Adjustment

MEETING DATE: January 30, 2013

SUBJECT: Special Use Permit Amendment (SUP-06-01) for PUD Vistas at Champion Hills

PRESENTER: Toby Linville, Code Enforcement Director

ATTACHMENTS: 1. Staff Report
2. Site Plan

SUMMARY OF REQUEST:

The applicants are requesting an amendment to a previously approved Special Use Permit for a Planned Unit Development.

Staff requests that the ZBA review the application and make a decision based on evidence presented for this project.

Suggested Motions:

I move to approve the amendment to SUP-06-01 because it meets the intent of the Land Development Code.



Henderson County, North Carolina Code Enforcement Services

1. **Board Request**

1.1. **Applicant:** Lifestyle Homes c/o Bruce Alexander

1.2. **Request:** Special Use Permit

1.3. **PIN:** 9557371372

1.4. **Size:** 10.31 acres +/-

1.5. **Location:** The subject area is located on Willow Rd. across from Indian Cave Rd.

1.6. **Former Zoning Ordinance:**

(6) Amendments to the development plan. Minor changes in the location, siting or character of buildings and structures may be authorized by the Zoning Administrator, if required by engineering or other circumstances not foreseen at the time the final development program was approved; provided, however, that no change authorized by the Zoning Administrator under this section may increase the size of any building or structure by more than 10%, nor change the location of any building or structure by more than 10 feet in any direction, nor make any changes beyond the minimum or maximum requirements set forth in this chapter. All other changes in the planned unit development, including changes listed below, shall not be made without resubmission of the planned unit development according to the procedures, in this section:

(a) A change in the use or character of the development.

(b) An increase in overall density.

(c) An increase in intensity of use.

(d) Alteration of the traffic circulation system.

(e) A reduction in approved open space.

(f) A reduction of off-street parking and loading space.

1.7 **Conditions:**

IT IS THEREFORE ORDERED by the Board of Commissioners of Henderson County that special use permit number SP-06-01 is hereby granted, subject to the following conditions:

1. No structure may be placed closer than 40 feet to the centerline of the internal road.

2. All structures shall be a single story (with a basement), and no structure may exceed 20 feet in height (as measured from the peak of the roof to the highest ground surface around the building).

3. A 20-foot undisturbed perimeter surrounding all structures within the project to the exterior boundary of the developed portion of the parcel shall be provided by the Applicant, and that such shall remain undisturbed except in the area adjacent to the Snyder property, and that where such perimeter area is disturbed that such be re-vegetated in accordance with the harmony of existing vegetation.

4. The Applicant must submit to Staff plans and other documentation showing that the water and sewer systems have been designed by a professional engineer, that such systems have been approved by appropriate local and state agencies, and that the systems have been constructed as designed prior to final plat approval.

5. Any sign for the development must be approved by Staff, and any lighting of the sign must be "down-lighting". The sign must be in keeping with character of the community in the area, in terms of colors, materials, etc. Colors must be "earth-tones", and the scale of the sign must be appropriate to the scale of the development.

6. The Applicant must indicate that they will grant by restrictive covenant all common open space, recreational and natural areas and communally owned facilities to the owners of property within the development, describing the areas and facilities and their maintenance and improvement, running with the land for the benefit of owners of property within the development or adjoining property owners or both.

7. The Applicant must submit to the Office of the County Attorney in a form satisfactory to the County Attorney the legal documents that will produce the aforesaid guaranties and, in particular, must provide for restricting the use of common areas and facilities for the designated purposes (so long as such are also in accordance with any specified conditions identified by any special use permit issued therefore).

8. The Applicant shall create a homeowners' association and submit to the Office of the County Attorney in a form acceptable to the County Attorney bylaws and rules and regulations governing the association.

9. The Applicant shall be required to include in every deed within the development a provision that membership in the homeowners association be mandatory for each homebuyer.

10. The Applicant must submit documentation of approval of the sedimentation and erosion control plan for the project prior to beginning any construction. Further, the Applicant shall provide proof to Staff of design (and build in compliance with design) of a storm water control system with multiple outfalls to attempt to dissipate velocity of storm water discharge.

11. The Applicant shall provide Staff with a copy of the driveway permit issued by North Carolina Department of Transportation (for the entrance along Willow Road (SR 1191) to ensure that such point of access does not endanger the public safety.

Map A: Aerial Photo/Pictometry



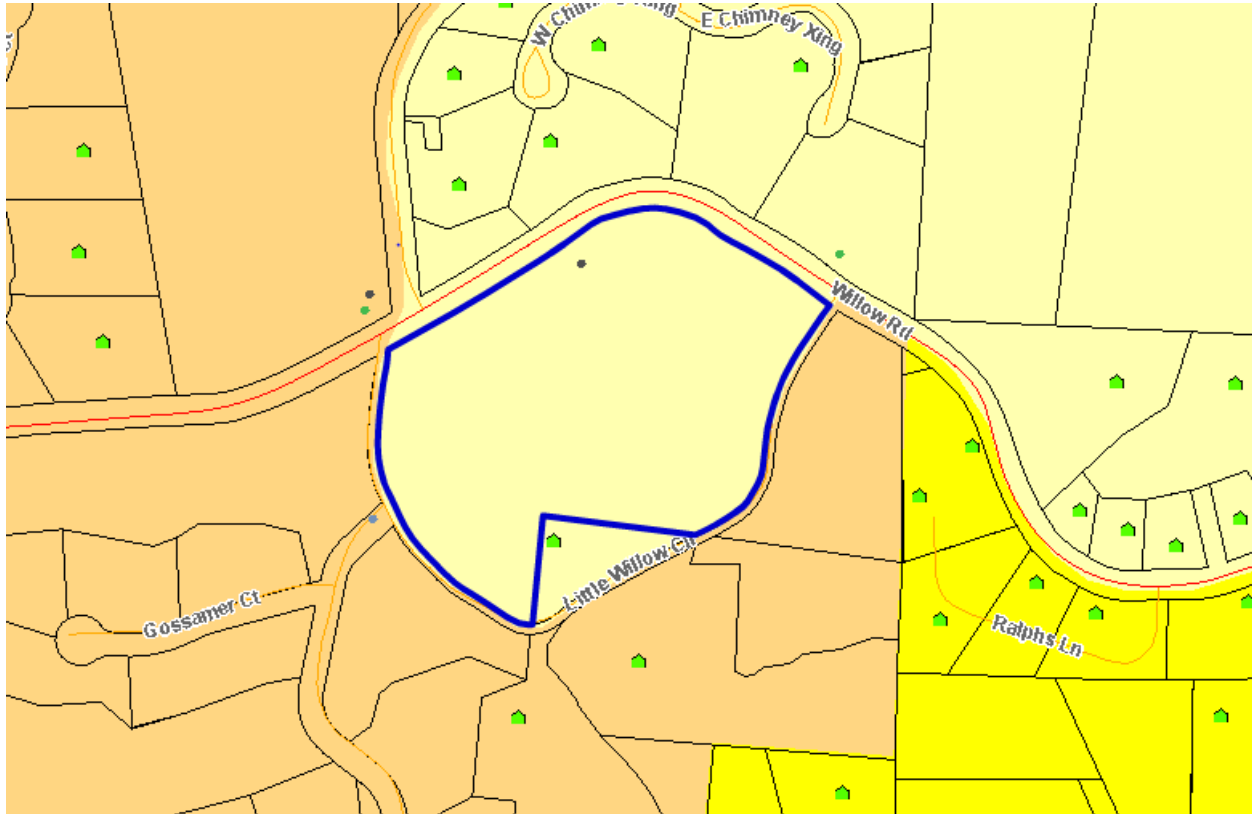
2. Current Conditions

2.1 Current Use: This parcel is currently vacant.

2.2 Adjacent Area Uses: The surrounding properties consist of residential and undeveloped land.

2.3 Zoning: The adjoining properties are zoned R-2, R-2 Rural, and R-3.

Map B: Current Zoning



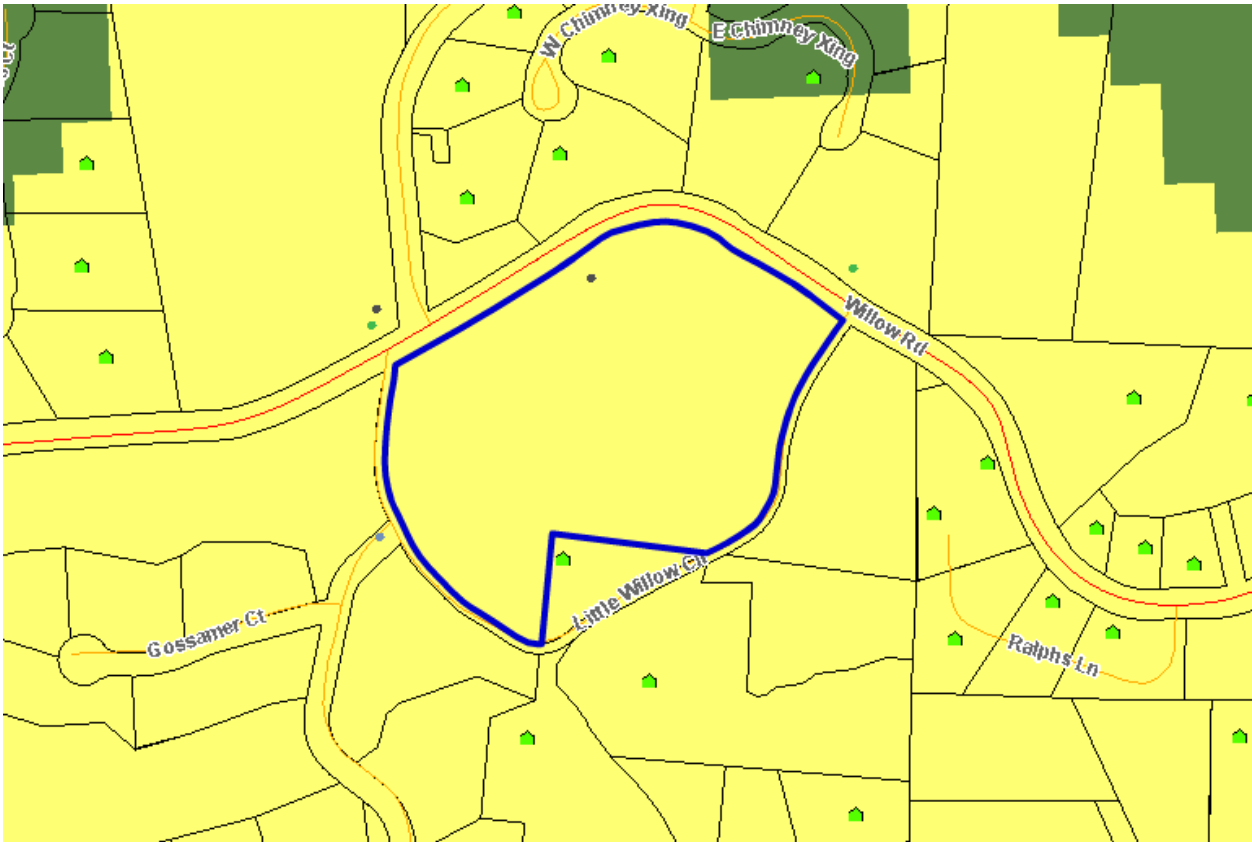
3. Floodplain /Watershed Protection The property is not located in a Special Flood Hazard Area. The property is not in a Water Supply Watershed district.

4. Water and Sewer

Public Water: City of Hendersonville water is available for this property.

Public Sewer: This project will be served by a package treatment plant.

Map C: CCP Future Land Use Map



5. Staff Comments

The 2020 CCP: The CCP Future Land Use Map places the Subject Area in the Urban Service Area classification (USA). The text and map of the 2020 CCP suggest that the Subject Area would be more suitable for the following:

1. The Urban Services Area is that area within which most urban services and urban scale development is currently concentrated, and within which such development should generally be concentrated through the year 2020.
2. Growth and development will be proactively managed through extensive planning. Much of the USA falls within municipal planning jurisdictions and will be managed by those jurisdictions. Land use planning for areas falling within the County's jurisdiction should be comparable and compatible in its approach and intensity with planning conducted within the various municipal jurisdictions.

6. Staff Recommendations

6.1 The Henderson County Technical Review Committee approved the site plan and recommended approval for this project.

7. **Photographs** **Looking East from Indian Cave Rd.**



Looking North to Entrance



Looking South from Entrance



Looking North



Looking East



Graded Home Site

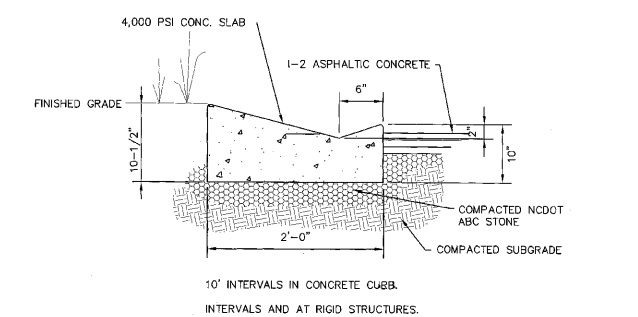
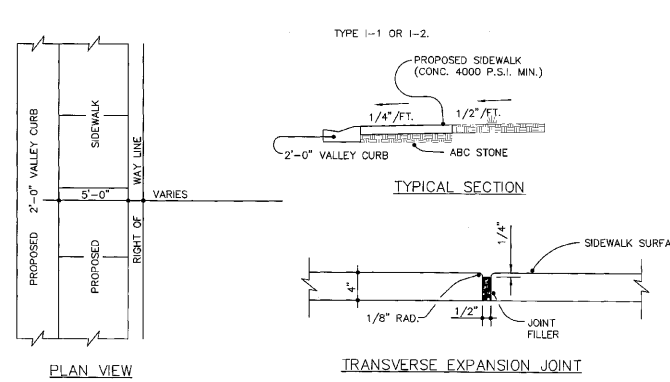
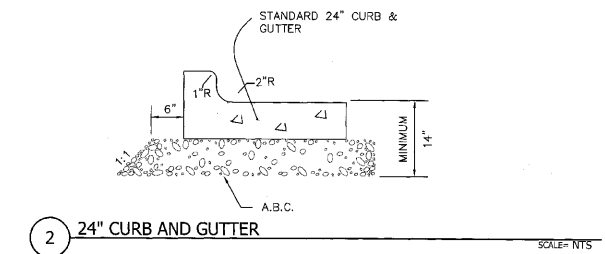
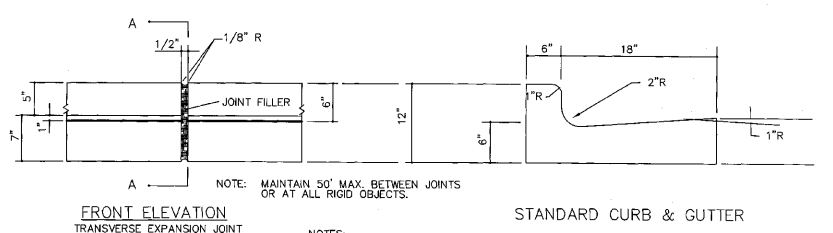
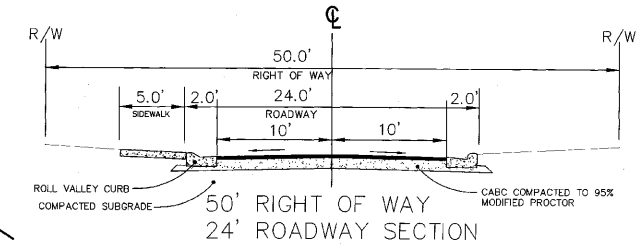
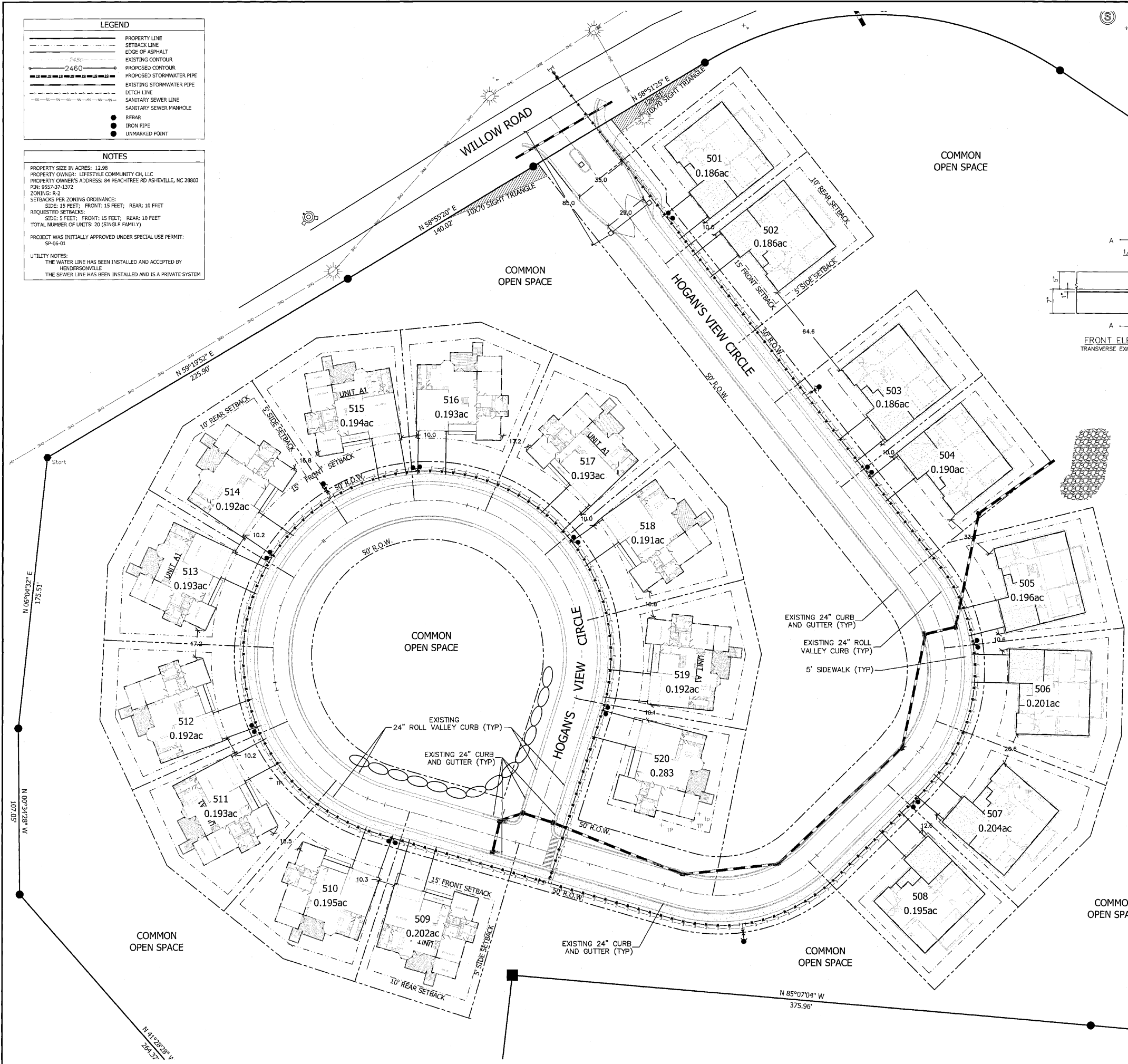


LEGEND	
	PROPERTY LINE
	SETBACK LINE
	EDGE OF ASPHALT
	EXISTING CONTOUR
	PROPOSED CONTOUR
	PROPOSED STORMWATER PIPE
	EXISTING STORMWATER PIPE
	DITCH LINE
	SANITARY SEWER LINE
	SANITARY SEWER MANHOLE
	REBAR
	IRON PIPE
	UNMARKED POINT

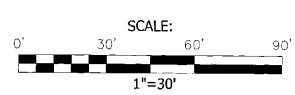
NOTES

PROPERTY SIZE IN ACRES: 12.28
 PROPERTY OWNER: LIFESTYLE COMMUNITY CH, LLC
 PROPERTY OWNER'S ADDRESS: 84 PEACHTREE RD ASHEVILLE, NC 28803
 PIN: 957-37-1372
 ZONING: R-2
 SETBACKS PER ZONING ORDINANCE:
 SIDE: 15 FEET; FRONT: 15 FEET; REAR: 10 FEET
 REQUESTED SETBACKS:
 SIDE: 5 FEET; FRONT: 15 FEET; REAR: 10 FEET
 TOTAL NUMBER OF UNITS: 20 (SINGLE FAMILY)
 PROJECT WAS INITIALLY APPROVED UNDER SPECIAL USE PERMIT:
 SP-06-01

UTILITY NOTES:
 THE WATER LINE HAS BEEN INSTALLED AND ACCEPTED BY HENDERSONVILLE
 THE SEWER LINE HAS BEEN INSTALLED AND IS A PRIVATE SYSTEM



Project No: 343010	Date: 12/14/2010
Drawing Title: C-0	REVISIONS/SUBMISSIONS
BROOKS ENGINEERING ASSOCIATES	No. 1 REVISED GRADING 11/11/2010
	No. 2 PLANS REVISED PER OWNER COMMENTS 12/14/2010
	No. 3 PLANS CHANGED FOR REVISED UNIT TYPES 2/14/2012
	No. 4 SUBMITTAL TO HENDERSON COUNTY 12/18/2012
17 Arlington Street Asheville, N.C. 28801 Phone: 1-828-232-4700 Fax: 1-828-232-1331 www.brooksea.com	
VISTAS AT CHAMPION HILLS NORTH CAROLINA HENDERSONVILLE	
SITE PLAN Planning • Engineering • Surveying • Environmental Services •	
SITE LAYOUT PLAN	



Application No. S.P.06-01

HENDERSON COUNTY
SPECIAL USE PERMIT APPLICATION FORM

GENERAL INFORMATION

Date of Application: 12/12/12
Previously Submitted (Circle One): Yes No
Date of Pre-Application Conference: S.P.06-01
Site Plan Attached (Circle One): Yes ~~No~~
Traffic Impact Study Required (Circle One): Yes No

SPECIAL USE PERMIT INFORMATION

Type of use to be permitted: Residential Single Family SR #: _____
Existing Structures or Uses on property: None
Road System (Circle): Public Private
Water System (Circle): Individual Community Public (Municipal or County)
Sewer System (Circle): Individual Community Public (Municipal or County)

SITE PLAN REQUIREMENTS

If a minor or major site plan is not specifically required, the applicant shall submit a site plan with the following items:

- Dimensions of property.
- Location of existing and proposed structures (including accessory structures), and general use thereof.
- Setbacks of existing and proposed structures from property lines and edge of right-of-way for roads (from centerline of roads for uses located in the R-40, WR, or SW districts).
- Separation of existing and proposed structures from one another.
- Parking and off/on loading areas
- Location of signs (including sign dimensions, height, type of material, lighting).
- Location and dimensions of existing and proposed roads / driveways and their entrance/exits.
- Location of dumpsters.
- Location and general description of any fences, landscaping or other buffering (proposed or existing).

Site plan not to exceed 11 X 17 size. Anything submitted larger than 11 X 17, the applicant must provide 12 copies with the application form.

PARCEL INFORMATION

PIN: 9557371372 Deed Book/Page: 1432/112 Tract Size (Acres): 10.31
Zoning District: _____ Fire District: Valley Hill Watershed: _____ Floodplain: _____
Location of property to be developed: Willow Rd 28739

CONTACT INFORMATION

Property Owner:
Name: Lifestyle Community CHLLS Phone: 928-274-1004
Address: 84 Peachtree Rd Suite 200 City, State, and Zip: Asheville, N.C. 28803
Applicant:
Name: Bruce Alexander Phone: 828-691-0245

Application No. S.P. 06-01

Address: _____ City, State, and Zip: _____

Agent:

Name: _____ Phone: _____

Address: _____ City, State, and Zip: _____

Agent Form (Circle One): Yes No

Plan Preparer: John Cinniard

Name: Brook Engineering Phone: 928-232-4700

Address: _____ City, State, and Zip: _____

STANDARDS FOR REVIEW

The Land Development Code imposes the following GENERAL REQUIREMENTS on the use requested by the applicant. Under each requirement, the applicant should explain, where applicable, how the proposed use satisfies these requirements:

A. General Requirement #1: The use will not materially endanger the public health, safety or welfare:

Single Family Patio Homes
5 ft side yard setbacks and 10 ft front setback

B. General Requirement #2. The use will not substantially injure the value of property or improvements in the area.

Better Value than appeared Duplex

C. General Requirement #3. The use will be in harmony with the surrounding area.

Mostly Single Family in area

The Land Development Code also imposes the following SPECIFIC REQUIREMENTS on the use requested by the applicant. The applicant should be prepared to demonstrate that satisfactory provisions have been made for the following, where applicable.

The proposed use shall be located and developed in such a manner as to:

a. Comply with all applicable local, state and federal statutes, ordinance and regulations.

yes

b. Be in accordance with the Comprehensive Plan, Long Range Transportation Plans and Comprehensive Transportation Plans of the county and/or Long Range Transportation Plans and comprehensive Transportation Plans of nay municipality of the County.

yes

c. Minimize the effects of noise, glare, dust, solar access and odor on those persons residing or working in the neighborhood of the proposed use.

Single Family with Paved Streets.

d. Minimize the environmental impacts on the neighborhood including the following groundwater, surface water, wetlands, endangered/threatened species, archeological sites, historic preservation sites and unique natural areas.

Single Family with Paved Streets

Show that satisfactory provision/arrangement has been made (where applicable or required) concerning:

a. Ingress and egress to property and proposed structures thereon (with particular reference to automotive/pedestrian safety/convenience and traffic flow/control).

Five Manhole Appraised Entrance

b. Off-street parking and loading areas.

yes in Driveways 2 spaces per home

c. Utilities (with particular reference to locations, availability and compatibility).

all available

d. Buffering and landscaping (with particular reference to type, location and dimensions).

yes

e. Structures (with particular reference to location, size and use).

Single Family front loaded approx 2-3,000 Sq. Ft.

I certify that the information shown above is true and accurate and is in conformance with the Land Development regulations of Henderson County

Bruce Alexander

Print Applicant (Owner or Agent)

[Signature]
Signature Applicant (Owner or Agent)

12/12/12
Date

County Use Only

Fee: \$ _____ Paid: _____ Method: _____ Received by: _____

Authority to grant the requested permit is contained in the Land Development Code, Sections: _____

Community Planning Area: _____